



ANNO VICESIMO SECUNDO & VICESIMO TERTIO

# VICTORIÆ REGINÆ.

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## C A P. XXVI.

An Act to make further Provision for the Regulation of the Trade with the *Indians*, and for the Administration of Justice in the North-western Territories of *America*. [13th August 1859.]

**W**HEREAS an Act was passed in the Forty-third Year of King George the Third (Chapter One hundred and <sup>43 G. 3.</sup> thirty-eight), "for extending the Jurisdiction of the Courts <sup>c. 138.</sup>

"of Justice in the Provinces of *Lower* and *Upper Canada* to the  
"Trial and Punishment of Persons guilty of Crimes and Offences  
"within certain Parts of *North America* adjoining to the said  
"Provinces," and an Act was passed in the Session holden in the  
First and Second Years of King George the Fourth (Chapter <sup>1 & 2 G. 4.</sup> Sixty-six), "for regulating the Fur Trade, and for establishing a <sup>c. 66.</sup>  
"Criminal and Civil Jurisdiction within certain Parts of *North*  
"*America*;" and by the firstly herein-mentioned Act it was enacted,  
that all Offences committed within any of the *Indian Territories*  
or Parts of *America* not within the Limits of either of the Pro-  
vinces of *Lower* or *Upper Canada*, or of any Civil Government  
of the United States of *America*, should be and be deemed to be  
Offences of the same Nature, and should be tried in the same  
Manner, and subject to the same Punishment, as if the same had been  
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committed within the Provinces of *Lower* or *Upper Canada*; and by the secondly herein-mentioned Act it was enacted, that it should be lawful for His Majesty, if he should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of *America* as aforesaid; and it was also enacted, that it should be lawful for His Majesty, by Commission under the Great Seal, to authorize and empower such Persons so appointed Justices to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes: And whereas no Courts of Record have been established or authorized as aforesaid, and it is expedient to make further Provision for the Administration of Justice in Criminal Cases in the said *Indian Territories*, and such other Parts as aforesaid of *America*, and also to make Provision for better regulating Trade with the *Indians* in the Territories and Parts aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Justices of the Peace in the British American Indian Territories authorized to try Offences summarily, and punish by Fine or Imprisonment.

I. It shall be lawful for Her Majesty, by the Commission by which any Justices of the Peace are appointed under the said Act of King *George* the Fourth, or by any subsequent Commission, or by any Order in Council, from Time to Time to authorize any such Justice or Justices to take cognizance of and try in a summary Way all Crimes, Misdemeanors, and Offences whatsoever, except as herein-after mentioned, within the local Limits of the Jurisdiction of such Justices (or such Parts thereof as Her Majesty may direct in this Behalf), and to punish such Crimes, Misdemeanors, and Offences by Fine or Imprisonment, or both; and it shall be lawful for Her Majesty, in manner aforesaid, from Time to Time to restrict or regulate the Exercise of such Jurisdiction as She may think fit, and to direct in what Cases the same may be exercised by One or by more than One of such Justices, and generally to make such Provision concerning the Exercise of such Jurisdiction as to Her Majesty may seem expedient; and it shall also be lawful for Her Majesty, in manner aforesaid, to order or authorize the Appointment of all proper Officers to act in aid of such Justices, and the said Justices respectively may do or cause to be done all Acts, Matters, and Things for the Execution of their Sentences, and in aid of their Jurisdiction under this Act, which might be done or caused to be done by Courts of Record having Jurisdiction in the like Cases: Provided always, that where the Offence with which any Person is charged before any such Justice or Justices is one which is punishable with Death, or one which in the Opinion of such Justice or Justices

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Justices ought, either on account of the Inadequacy of the Punishment which such Justice or Justices can inflict, or for any other Reason, to be made the Subject of Prosecution in the ordinary Way, rather than to be disposed of summarily, such Justice or Justices shall commit the Offender to safe Custody, and cause him to be sent in such Custody for Trial to *Upper Canada*, as provided by the said Act of King *George the Fourth*, or, where such Justice or Justices may see fit, to the Colony of *British Columbia*; and such Offender may be tried and dealt with by any Court constituted in *British Columbia* having Cognizance of the like Offences committed there, and such Court shall have the like Powers and Authorities for this Purpose as under the said Acts are given to any Court in *Canada* in the like Cases.

II. Provided, That nothing herein-before contained shall be taken to repeal or affect the Provisions of the said Act of King *George the Fourth* concerning the Establishment of Courts of Record in the said Territories, and where such Courts are established any Offenders within the Limits of the Jurisdiction thereof may be committed for Trial to such Courts instead of the Courts of *Canada* or *British Columbia*.

The Power to establish Courts of Record not to be affected.

III. It shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, from Time to Time to make such Rules and Regulations as She may deem expedient for the Conduct of the Trade with the *Indians*, and for diminishing or preventing the Sale and Distribution of Spirits to the *Indians*, or for promoting their Moral and Religious Improvement, to be in force in all or any Portions of the Territories mentioned in the said Act of King *George the Fourth* which may not be included in any Grant or Licence for the Time being in force under that Act.

Her Majesty, by Order in Council, may make Regulations for the Trade with the *Indians*.

IV. Nothing herein contained shall extend to the Territories heretofore granted to the Company of Adventurers trading to *Hudson's Bay*; and nothing herein contained shall extend to the Colony of *British Columbia*, save as herein expressly provided, or to the Colony of *Vancouver's Island*.

*Hudson's Bay Company*, *British Columbia*, and *Vancouver's Island* not affected.

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